

# Notice of Allowability

Application No.

09/888,732

Examiner

Andrea M. Ragonese

Applicant(s)

MITTELSTADT ET AL.

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3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response After Final filed on 19 October 2004.
2. ☒ The allowed claim(s) is/are 1,3,7-11,13-21,34-46,49-53 and 56.
3. ☒ The drawings filed on 25 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.   |

Henry Bennett  
Supervisory Patent Examiner  
Group 3700

## EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

### *Response to Arguments*

1. Applicant's arguments, see pages 1-3 of Response After Final, filed October 19, 2004, with respect to **claims 1, 3, 7-11, 13-21, 43-46, 49-53 and 56** have been fully considered and are persuasive. The obviousness-type double patenting rejection of **claims 1, 3, 7-11, 13-21, 43-46, 49-53 and 56** over claims 1-18 of co-pending US Application No. 09/888,943 has been withdrawn.

### *Allowable Subject Matter*

2. **Claims 1, 3, 7-11, 13-21, 34-46, 49-53 and 56** are allowed.
3. The following is an examiner's statement of reasons for allowance:
  - a. The unidirectional valve disclosed in **claim 1** comprising a valve body with a valve seat partially surrounding the valve opening in combination with a valve flap with at least one rib extending from the top surface and a thickness of the base part outside of the rib decreases when moving from the first end to the second end (or vice versa), and the respirator disclosed in **claim 18** comprising the unidirectional valve of **claim 1** in combination with a face mask has not been taught nor suggested in the prior art of record.
  - b. The unidirectional valve disclosed in **claim 34** comprising a valve body with a valve seat partially surrounding the valve opening in combination with a valve flap with at least one rib extending from the top surface, wherein the at least one rib is in continuous contact with the valve flap top surface, and the respirator disclosed in **claim 38** comprising the unidirectional valve of **claim 34** in

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combination with a face mask has not been taught nor suggested in the prior art of record.

c. The respirator disclosed in **claim 43** comprising a unidirectional valve of **claim 1** with a cantilevered valve flap that has a curvature that causes a bias of the valve flap against the valve seat, wherein at least a portion of the curvature of the valve flap is at least partially flattened when the valve flap contacts the valve seat in combination with a face mask has not been taught nor suggested in the prior art of record.

d. The respirator disclosed in **claim 50** comprising a unidirectional valve of **claim 34** with a cantilevered valve flap that has a curvature that causes a bias of the valve flap against the valve seat, wherein at least a portion of the curvature of the valve flap is at least partially flattened when the valve flap contacts the valve seat in combination with a face mask has not been taught nor suggested in the prior art of record.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Andrea M. Ragonese whose telephone number is 703-306-4055 until November 17, 2004**. Examiner Ragonese can be reached at 571-272-4804 thereafter. The Examiner can normally be reached on Monday through Thursday from 8:30 am until 4:30 pm.

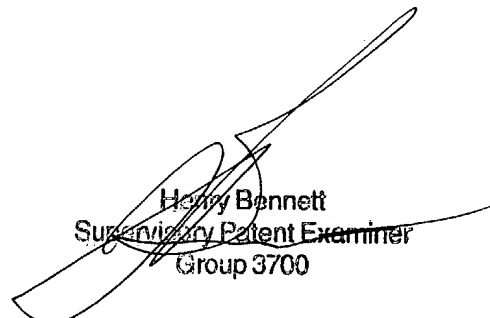
5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett can be reached on 703-308-0101 until November 17,

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2004, and thereafter, at 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMR



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